

Applicant Initiated Interview Request Form

Application No.: 10/565,257

First Named Applicant: Dong-Seuk Chae

Examiner: Andrew Tohmas Kirsch

Art Unit: 3871

Status of Application: post-RCE non-final

Tentative Participants:

(1) James Bame

(2)

(3)

(4)

Proposed Date of Interview: July 12, 2010

Proposed Time: 09:30 (AM/PM)

Type of Interview Requested:(1) ☒ Telephonic(2) ☐ Personal(3) ☐ Video ConferenceExhibit To Be Shown or Demonstrated: ☒ YES☐ NO

If yes, provide brief description: See attachment.

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached☒ Proposed Amendment or Arguments Attached**Brief Description of Arguments to be Presented:**

See attachment.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/James E. Bame/

Applicant/Applicant's Representative Signature

Examiner/SPE Signature

James E. Bame

Typed/Printed Name of Applicant or Representative

44521

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Dong-Seuk Chae	Art Unit	: 3781
Serial No.	: 10/565,257	Examiner	: Kirsch, Andrew Thomas
Filed	: January 19, 2006	Action Date	: March 19, 2010
Title	: ONE TOUCH-TYPE STOPPER AND A CONTAINER HAVING THE SAME		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: 571-273-8300

Attachments to Interview Request Form

Dear Sir:

Together with the Interview Request Form filed 22 July 2010 re the above-referenced application, Applicant herewith encloses:

- 1) Points for Discussion at Interview;
- 2) Proposed Claim Amendments; and
- 3) Proposed Arguments.

Respectfully submitted,

Date: July 22, 2010

/James E. Bame/

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Points for Discussion at Interview

The Examiner states in the Detailed Action:

In re claims 1 and 2, with reference to Figs. 4, 5, and 8 below, Olsen et al. discloses: A one touch-type container stopper, comprising: a hermetically sealing part (50) having a plurality of first supporting protrusions (52) at a lower end thereof, the first supporting protrusions being formed to protrude inwardly such that they are elastically supported along an outer peripheral surface of a mouth (14) of the container (12), the sealing part (50) being fitted around the mouth (14) to seal the container."

Applicant respectfully submits that Olsen's elements (50, 52) do *not* perform the above functions. Olsen's fulcrum rib (50) and lower arcuate edge (52) perform a function of venting or pressure-releasing, which is exactly opposite to the functions of the hermetically sealing part (110) and the first supporting protrusions (111) of the present invention.

The Examiner also states in the Detailed Action:

(The) first supporting protrusions (52) of Olsen et al. "seal" the container in as much as the same components (111) of the instant application are considered to "seal" the container, even though gaps exist in between the protrusions.

Applicant respectfully submits that the first supporting protrusions (111) participate in the hermetically sealing part (110)'s sealing the container "directly". Since the first supporting protrusions (111) themselves do *not* seal the mouth of the container, the gaps in the first supporting protrusions (111) do *not* do anything in the function of sealing. In contrast, Olsen's lower arcuate edge (52) does *not* participate in seal, neither directly nor indirectly.

Proposed Claim Amendments

1. (Currently amended) A one touch-type container stopper, comprising:

a hermetically sealing part having a plurality of first supporting protrusions at a lower end thereof, the first supporting protrusions being formed to protrude inwardly such that they are elastically supported along an outer peripheral surface of a mouth of the container[.], such that the hermetically sealing part being is fitted hermetically due to the elastic supporting around the mouth to seal the container, wherein each of the first supporting protrusions is laterally formed with a hollow portion having a lower end cut; and

a cover part having a hinge part formed integrally with and extending from the first supporting protrusions and then bent, and a plurality of second supporting protrusions at a lower end thereof to protrude inwardly therefrom, each of the plurality of second supporting protrusions being connected to a corresponding one of the plurality of first supporting protrusions through the hinge part, the cover part being positioned outside of the sealing part,

wherein the second supporting protrusions are connected to one another through a band member, so as to prevent the stopper from being opened with the band member not broken.

wherein the plurality of second supporting protrusions are formed integrally with the first supporting protrusions to protrude diametrically inwardly.

wherein when the upper end of the hermetically sealing part is pressed down and the cover part is simultaneously pulled upward at a plurality of ridges formed along an edge of the upper end of the cover part, the lower ends of the hermetically sealing part and the cover part connected through the hinge part are elastically deformed so that the first and second supporting protrusions are flared outwardly while pivoting outwardly,

wherein the band member is constructed to be broken when the second supporting protrusions are expanded due to an external force and thus tension larger than a predetermined threshold is exerted on the band member.

2. (Currently amended) A one touch-type container stopper, comprising:

a hermetically sealing part having a plurality of first supporting protrusions at a lower end thereof, the first supporting protrusions being formed to protrude inwardly such that they are elastically supported along an outer peripheral surface of a mouth of the container[.], such

that the sealing part being is fitted hermetically due to the elastic supporting around the mouth to seal the container, wherein each of the first supporting protrusions is laterally formed with a hollow portion having a lower end cut; and

a cover part having a hinge part formed integrally with and extending from the first supporting protrusions and then bent, and a second supporting protrusion at a lower end thereof to protrude inwardly therefrom, the supporting protrusion being connected to a corresponding one of the plurality of first supporting protrusions through the hinge part the cover part being positioned outside of the sealing part,

wherein when the upper end of the hermetically sealing part is pressed down and the cover part is simultaneously pulled upward at a plurality of ridges formed along an edge of the upper end of the cover part, the lower ends of the hermetically sealing part and the cover part connected through the hinge part are elastically deformed so that the first and second supporting protrusions are flared outwardly while pivoting outwardly, wherein the second supporting protrusion is formed integrally such that the stopper is opened in a one-touch matter.

3. (Original) The one touch-type container stopper as claimed in claim 1, wherein the height of the cover part is larger than that of the sealing part.

4. (Previously presented) The one touch-type container stopper as claimed in claim 1, wherein the hermetically sealing part further comprises a first friction member on an outer surface, wherein the cover part further comprises a second friction member on an inner surface, and wherein the first friction member and the second friction member engage each other so as to be offset from each other while being elastically deformed.

5. (Original) The one touch-type container stopper as claimed in claim 1, wherein the hinge part has an inclination such that the sealing part side is at a level higher than that of the cover part side.

6. (Previously presented) The one touch-type container stopper as claimed in claim 1, wherein a cover member is further provided at a lower end of the cover part to surround the second supporting protrusions.

7. (Currently amended) A container, comprising:

a body portion of the container having a first catching projection at an upper end of a mouth thereof, and a second catching projection formed below the first catching projection, the second catching projection having an outer diameter larger than that of the first catching projection; and

a stopper having a hermetically sealing part fitted around the mouth to seal the container, and a cover part positioned outside of the sealing part,

wherein the sealing part is provided with a plurality of first supporting protrusions at a lower end thereof to protrude inwardly such that they are caught and elastically supported by the first catching projection so as to make the hermetically sealing part seal the mouth of the container hermetically, wherein each of the first supporting protrusions is laterally formed with a hollow portion having a lower end cut, and

the cover part is provided with a hinge part formed integrally with and extending from the first supporting protrusions and then bent, and a plurality of second supporting protrusions at a lower end thereof to protrude inwardly therefrom, each of the plurality of second supporting protrusions being connected to a corresponding one of the plurality of first supporting protrusions through the hinge part, the second supporting protrusions being connected to one another through a band member, so as to prevent the stopper from being opened with the band member not broken,

wherein the plurality of second supporting protrusions are formed integrally with the first supporting protrusions to protrude diametrically inwardly,

wherein when the upper end of the hermetically sealing part is pressed down and the cover part is simultaneously pulled upward at a plurality of ridges formed along an edge of the upper end of the cover part, the lower ends of the hermetically sealing part and the cover part connected through the hinge part are elastically deformed so that the first and second supporting protrusions are flared outwardly while pivoting outwardly,

wherein the band member is constructed to be broken when the second supporting protrusions are expanded due to an external force and thus tension larger than a predetermined threshold is exerted on the band member.

8. (Currently amended) A container, comprising:

a body portion of the container having a first catching projection at an upper end of a mouth thereof, and a second catching projection formed below the first catching projection, the second catching projection having an outer diameter larger than that of the first catching projection; and

a stopper having a hermetically sealing part fitted around the mouth to seal the container, and a cover part positioned outside of the sealing part,

wherein the sealing part is provided with a plurality of first supporting protrusions at a lower end thereof to protrude inwardly such that they are caught and elastically supported by the first catching projection so as to make the hermetically sealing part seal the mouth of the container hermetically, wherein each of the first supporting protrusions is laterally formed with a hollow portion having a lower end cut, and

the cover part is provided with a hinge part formed integrally with and extending from the first supporting protrusions and then bent, and a second supporting protrusion at a lower end thereof to protrude inwardly therefrom, the second supporting protrusions being connected to a corresponding one of the plurality of first supporting protrusions through the hinge part,

wherein when the upper end of the hermetically sealing part is pressed down and the cover part is simultaneously pulled upward at a plurality of ridges formed along an edge of the upper end of the cover part, the lower ends of the hermetically sealing part and the cover part connected through the hinge part are elastically deformed so that the first and second supporting protrusions are flared outwardly while pivoting outwardly, wherein the second supporting protrusion is formed integrally such that the stopper is opened in a one-touch matter.

9. (Original) The container as claimed in claim 7, wherein a hermetically sealing member is further provided between the mouth of the body portion of the container and the sealing part.

Proposed Arguments

This is in response to the non-final rejection dated March 19, 2010. Applicant has amended Claims 1, 2, 7, and 8 as set forth above. All the features of the amended claims are fully supported by the originally filed application. Thus, the amendments do not add new matter to the application. Upon the entry of the amendments, Claims 1-9 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

Discussion of Response to Arguments

The Examiner stated *“the first supporting protrusions (52) of Olsen et al. “seal” the container in as much as the same components (111) of the instant application are considered to “seal” the container, even though gaps exist in between the protrusions (See Fig. 12 of the current application).”*

Applicant respectfully disagrees with the Examiner.

In the present invention, of course, it is the hermetically sealing part (110) that seals the container 'directly'.

As claimed in the amended Claim 1, the first supporting protrusions are formed to protrude inwardly such that they are elastically supported along an outer peripheral surface of a mouth of the container such that the hermetically sealing part is fitted hermetically due to the elastic supporting around the mouth to seal the container.

That is, the first supporting protrusions (111) the plurality of first supporting protrusions (111), as a part of the hermetically sealing part (110), are elastically supported along an outer peripheral surface of a mouth of the container, while the hermetically sealing part (110) is fitted and sealed hermetically due to the elastic supporting of the first supporting protrusion (111).

Therefore, Claim 1 does **NOT** submit that the first supporting protrusions (111) seals the container, **BUT** that the first supporting protrusions (111) impart an elastic supporting to the hermetically sealing part (110), which enables the “sealing” of the container by the hermetically sealing part (110).

Therefore, the gaps existing among the plurality of first supporting protrusions (111) have **nothing** to do with “sealing” itself what so ever.

Once again, Applicant respectfully submits that the first supporting protrusions (111) exert the elastic supporting force to the hermetically sealing part (110), such that the hermetically sealing part (110) seals the container.

In contrast, Olsen's lower arcuate edge (52) of the fulcrum rib (50) does NOT do any function for sealing.

While the sealing in Olsen is provided by the seal concavity (30) of the inner face of the side wall (28) receiving the outer rim edge (16) of the bowl (12), the fulcrum rib (50) and the lower arcuate edge (52) are hung in the air doing nothing. (See, e.g., Fig. 2)

The fulcrum rib (50) and the lower arcuate edge (52) do NOT touch anything in Fig. 2.

Actually, the fulcrum rib (50) and the lower arcuate edge (52) have a function exactly opposite to "sealing".

Olsen discloses "*The lower arcuate edge 52 of the fulcrum rib 50 is upwardly relieved at equally spaced arcuately elongate portions 54 therealong to define a series of spaced vents or vent openings particularly adapted for pressure release and free flow of air as the seal 10 is released for removal of the container 12.*" (See col. 4, lines 56-61 of Olsen et al.)

Therefore, Olsen's lower arcuate edge (52) may be a seal-breaker or a key to the padlock, but NOT a padlock in sealing the container, as seen obvious in the above paragraph.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected Claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,147,059 ("Olsen") in view of U.S. Patent No. 4,089,571 ("Landy") and U.S. Patent No. 3,858,742 ("Grussen"). Applicant respectfully disagrees with the Examiner but has amended Claims 1 and 2 to clarify the inventive points as discussed in the Discussion of Response to Arguments above.

Claim 1 of the Instant Application (Emphasis added)

A one touch type container stopper, comprising:

a hermetically sealing part having a plurality of first supporting protrusions at a lower end thereof, the first supporting protrusions being formed to protrude inwardly such that they

are elastically supported along an outer peripheral surface of a mouth of the container such that the hermetically sealing part is fitted hermetically due to the elastic supporting around the mouth to seal the container, wherein each of the first supporting protrusions is laterally formed with a hollow portion having a lower end cut; and

a cover part having a hinge part formed integrally with and extending from the first supporting protrusions and then bent, and a plurality of second supporting protrusions at a lower end thereof to protrude inwardly therefrom, each of the plurality of second supporting protrusions being connected to a corresponding one of the plurality of first supporting protrusions through the hinge part, the cover part being positioned outside of the sealing part,

wherein the second supporting protrusions are connected to one another through a band member, so as to prevent the stopper from being opened with the band member not broken,

wherein the plurality of second supporting protrusions are formed integrally with the first supporting protrusions to protrude diametrically inwardly,

wherein when the upper end of the hermetically sealing part is pressed down and the cover part is simultaneously pulled upward at a plurality of ridges formed along an edge of the upper end of the cover part, the lower ends of the hermetically sealing part and the cover part connected through the hinge part are elastically deformed so that the first and second supporting protrusions are flared outwardly while pivoting outwardly,

wherein the band member is constructed to be broken when the second supporting protrusions are expanded due to an external force and thus tension larger than a predetermined threshold is exerted on the band member.

As discussed in the above, the amended Claim 1 of the instant application includes a hermetically sealing part (110) having a plurality of first supporting protrusions (111), a cover part (120) having a hinge part (121), a plurality of second supporting protrusions (122) connected to the first supporting protrusions (111) through the hinge part (121).

The sealing is obtained by engaging of the first supporting protrusions (111) of the stopper and the first catching projection (210) of the container. That is, the first supporting protrusions (111) provides an elastic supporting to the hermetically sealing part (110) such that the hermetically sealing part (110) fits to the mouth of and seals the container directly. (See Figs. 2, 3, and 5)

In contrast, the sealing in Olsen is provided by the seal concavity (30) of the inner face of the side wall (28) receiving the outer rim edge (16) of the bowl (12). And the fulcrum rib (50) works just as a fulcrum for the annular lever section (22). (See Fig. 8; col. 3, lines 43-53, and col. 4, lines 47-61)

The element (50) does *not* teach or suggest a hermetically sealing part of the present invention, *but* is used in order to lift the side wall (28) by pushing down the lever section (22). That is exactly why the element (50) is called a “fulcrum rib.” (See Fig. 7)

The above deficiencies of Olsen are *not* cured by Landy or Grussen, either. Therefore, Applicant respectfully submits that Olsen, Landy, Grussen, or their combination does *not* teach or suggest the amended Claims 1-6. Withdrawal of the rejections is requested respectfully.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected Claims 7-9 under 35 U.S.C. §103(a) as being unpatentable over Olsen in view of Landy and Grussen and further in view of U.S. Patent No. 4,500,006 (“La Fortuna”). Applicant respectfully disagrees with the Examiner. Still, Applicant has amended Claims 7 and 8 for clarifying the inventive points of the present invention.

As discussed above with regard to Claims 1 and 2, Olsen, Landy, and Grussen do *not* teach or suggest the inventive points of the present invention, and La Fortuna does *not* cure the deficiencies of Olsen and Grussen. Therefore, Applicant respectfully submits that Olsen, Landy, Grussen, La Fortuna, or their combination does *not* teach or suggest the amended Claims 7-9. Withdrawal of the rejections is requested respectfully.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that claims 1-9 are in condition for allowance, and such action is respectfully solicited, if required, under the *Examiner’s Amendment*. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.